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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SANTO LANZAFAME, in his fiduciary
capacity as a Trustee of the Pointers, Cleaners
& Caulkers Welfare Pension & Annuity Funds,
and as President of the Bricklayers and Allied
Craftworkers Local Union No. 1, B.A.C.I.U.,
AFL-CIO,

Plaintiff,

-against-

DIAMOND EXTERIOR RESTORATION
CORP., et al.,

Defendants.
-----x

Appearances:

For the Plaintiff:

WILLIAM EDWARD NAGEL, ESQ.

Holm and OHara, LLP

420 Lexington Avenue

Suite 1745

New York, NY 10170

BLOCK, Senior District Judge:

On May 8, 2006, Magistrate Judge Pollak issued a Report and Recommendation ("R & R") on the amount of damages to which plaintiff is entitled from defendant Diamond Exterior Restoration Corporation ("Diamond"). The R & R stated that "[a]ny objections to this [R & R] must be filed . . . within ten (10) days of receipt of this [R&R][,]" and that "[f]ailure to file objections within the specified time waives the right to appeal the District Court's order." See R & R at 10; see also 28 U.S.C. § 636(b)(1). Because the docket does not reveal whether Diamond has received a copy of the R&R, plaintiff shall

serve a copy of the R&R on Diamond by regular mail within 10 days from the date of this Order, and file proof of such service with the Court.

SO ORDERED.

FREDERIC BLOCK
United States Senior District Judge

Brooklyn, New York
July 10, 2006